

# Exhibit 1



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July 20, 2020

*Via E-mail*

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**Re: The City of Huntington and Cabell County Commission v.  
AmerisourceBergen Drug Corporation, et al., Civil Action No. 3:17-  
01362**

Dear Paul and Anne:

As you know, with the delays we have been experiencing in the production of documents from third parties, it has become clear that Defendants will not be able to take a number of necessary depositions before the current deadline of July 27, 2020. As we have discussed with you and Special Master Wilkes, Defendants have been unable to obtain complete production of documents from multiple West Virginia state agencies, Marshall Health, Marshall University, St. Mary's Hospital, and Cabell Huntington Hospital, each of whom has explained that COVID-19 has prevented it from responding to Defendants' subpoenas, despite Defendants' significant narrowing of the requests, orders from the Court to produce documents subject to clawback provisions in the protective order, and multiple offers from Defendants to provide technical support. Production is progressing, but not in sufficient time to process and review documents that remain to be produced, which we understand to number over 100,000 documents.

We therefore are memorializing our agreement under S.D. W. Va. LR Civ. P. 16.1(f)(3) that depositions can occur after July 27, 2020. Please advise if Defendants' understanding of this agreement is incorrect. Below are the third-party depositions that are expected to occur after July

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27, 2020.<sup>1</sup> Plaintiffs have already agreed to some of these dates. The reason for each is the delay in producing documents, unless otherwise noted:

- **Valley Health 30(b)(6)** - Counsel for Valley Health stated that they were unavailable until August and has agreed to an August 3 deposition.
- **Lyn O'Connell**, Associate Director of Addiction Services, Marshall Health Sys./Marshall Univ. – Agreed that this deposition will occur on July 31.
- **Marshall University 30(b)(6)**
- **Marshall Health 30(b)(6)**
- **Department of Health and Human Resources (“DHHR”) 30(b)(6)**
- **DHHR, Bureau for Public Health 30(b)(6)**
- **Catherine Slemp**, Former Commissioner of the West Virginia Bureau for Public Health
- **Saint Mary’s Medical Center 30(b)(6)**
- **Mark Spangler and Board of Medicine 30(b)(6)**, Executive Director of the West Virginia Board of Medicine
- **Robert Knittle**, Former Executive Director for the West Virginia Board of Medicine (2005-2016)
- **James Kraner**, Former Chief Toxicologist, Office of the Chief Medical Examiner
- **Allen Mock and OCME 30(b)(6)**, Chief Medical Examiner, Office of the Chief Medical Examiner
- **David Chaffin**, OBGYN at Marshall Health – Agreed that this deposition will occur on July 29.
- **Todd Davies**, Director and Manager at the Marshall Clinical Research Center – Agreed that this deposition will occur on July 28.
- **Linda Watts and BCF 30(b)(6)**, Commissioner at Bureau for Children and Families – in addition to document delay, Ms. Watts has requested, for personal reasons, that she be deposed on August 6.
- **Joseph Shapiro**, Dean of Marshall University Joan C. Edwards School of Medicine
- **Joseph Werthammer**, Marshall Health, Neonatology and Addiction
- **David Potters**, Board of Pharmacy
- **Mike Goff and Board of Pharmacy 30(b)(6)**
- **Dr. Rahul Gupta**, West Virginia’s Chief Health Officer and Commissioner of the DHHR Bureau of Public Health
- **Karen Bowling**, DHHR
- **Bill Crouch**, DHHR
- **Office of Drug Control Policy 30(b)(6)**, DHHR
- **Governor's Council on Substance Abuse Prevention and Treatment 30(b)(6)**, DHHR
- **Dr. Stephen Petrany**, Marshall and Governor’s Council/DHHR
- **Brian Gallagher**, Marshall and Governor’s Council/DHHR
- **Robert Hansen**, Marshall and Office of Drug Control Policy/DHHR

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<sup>1</sup> The parties also have agreed to several delayed party depositions. As to Plaintiffs’ witnesses, per discussions with Plaintiffs, Defendants are deferring the depositions of Nancy Cartmill, Jim Johnson, and Paul Matovich due to personal and family health issues.

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- **American Osteopathic Association 30(b)(6)**
- **American Medical Association 30(b)(6)**

Defendants will continue to cooperate with Plaintiffs in scheduling these depositions for the earliest practicable dates that are mutually acceptable.

Sincerely,

/s/ *Gretchen M. Callas*

Gretchen M. Callas  
Jackson Kelly PLLC